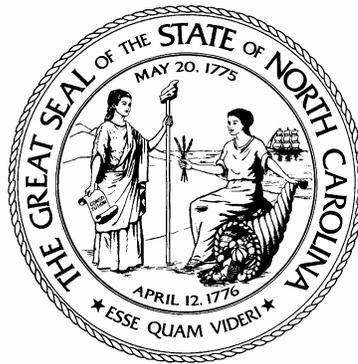


LEGISLATIVE RESEARCH COMMISSION

SPECIAL EDUCATION TO CHILDREN IN GROUP HOMES COMMITTEE



REPORT TO THE
2001 SESSION OF THE
2001 GENERAL ASSEMBLY
OF NORTH CAROLINA

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1999 - 2000

LEGISLATIVE RESEARCH COMMISSION

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PREFACE

The Legislative Research Commission, established by Article 6B of Chapter 120 of the General Statutes, is the general purpose study group in the Legislative Branch of State Government. The Commission is cochaired by the Speaker of the House of Representatives and the President Pro Tempore of the Senate and has five additional members appointed from each house of the General Assembly. Among the Commission's duties is that of making or causing to be made, upon the direction of the General Assembly, "such studies of and investigations into governmental agencies and institutions and matters of public policy as will aid the General Assembly in performing its duties in the most efficient and effective manner" (G.S. 120-30.17(1)).

The Legislative Research Commission, prompted by actions during the 1999 Session and 2000 Sessions, has undertaken studies of numerous subjects. These studies were grouped into broad categories and each member of the Commission was given responsibility for one category of study. The Cochairs of the Legislative Research Commission, under the authority of G.S. 120-30.10(b) and (c), appointed committees consisting of members of the General Assembly and the public to conduct the studies. Cochairs, one from each house of the General Assembly, were designated for each committee.

The study of SPECIAL EDUCATION TO CHILDREN IN GROUP HOMES was authorized by Section 2.1 of S.L. 2000-138. Part II of S.L. 2000-138 allows for studies authorized by that Part for the Legislative Research Commission to consider House Bill 1833 in determining the nature, scope and aspects of the study. House Bill 1833 reads in part:

“The Legislative Research Commission may study issues related to placing and providing a special education for children in group homes, foster homes, and other similar facilities.” The relevant portions of S.L. 2000-138 and House Bill 1833 are included in Appendix A.

The Legislative Research Commission authorized this study under authority of G.S. 120-30.17(1) and grouped this study in its INTERGOVERNMENTAL ISSUES area under the direction of Representative William Wainwright. The Committee was chaired by Senator Anthony E. Rand and Representative John W. Hurley. The full membership of the Committee is listed in Appendix B of this report. A committee notebook containing the committee minutes and all information presented to the committee will be filed in the Legislative Library by the end of the 1999-2000 biennium.

COMMITTEE PROCEEDINGS

The LRC Special Education to Children in Group Homes Committee met on December 19, 2000.

Representative Hurley, Co-chair of the Committee, called the meeting to order, and asked committee members to introduce themselves. Senator Rand, Co-Chair of the Committee, presided over the meeting.

After the adoption of the budget, Senator Rand recognized Mr. Philip Price of Fiscal Research to review the number of group homes by county, which is attached in Appendix C. The listing shows the number of group homes for the K-12 population by county. The types of homes are mental health, developmental disabilities, and substance abuse. Group homes are growing in number, with six counties accounting for 42% of all the group homes. The six counties, each having 50 or more group homes, are: Craven, Cumberland, Durham, Guilford, Mecklenburg, and Wake. Sixty-eight percent of the homes in these counties are therapeutic homes, which are established with the mental health agency involved. Residential homes, which are for the emotionally disturbed, are the second largest group.

Mr. Charles Davis of the Division of Mental Health, Department of Health and Human Services (DHHS), was recognized to present the regulatory responsibilities of DHHS, the types of group homes, funding sources, responsibilities of various parties, upcoming changes in group home rules, and issues involving the Department of Public Instruction (DPI) and local education agencies (LEAs). Senator Rand inquired about the kind of problems the children in group homes have and the type of help provided by the State. Representative Saunders asked how many children are in the group homes statewide. Mr. Davis stated he would provide that information at a later time.

Mr. Davis stated that the group homes operate both for profit and not-for-profit. There are ten juvenile justice multi-purpose group homes, which are licensed. A majority of the children in therapeutic/foster care are abused and neglected children. Therapeutic homes usually house children who are 12 and under, and group homes usually house children who are 13 and older.

There are about 700 group homes, most of which are licensed, under the Division of Facilities Services. The State Department of Social Services issues licenses for foster homes.

Representative Saunders asked if there was any correlation between the needs in Fayetteville with the number of military families who receive group home services. Mr. Davis felt there was no relationship. The children who are military dependents are not funded any differently than the other children who are housed in group homes. The State portion of funding is transferred with the child. Local mental health provides the services, and the cost remains with the originating county. The placement agencies try to place children as close to home as possible.

Senator Weinstein asked how foster parents are determined. A representative of the Division of Social Services stated that there are licensing rules, age and employment are considered, criminal background checks are completed, thirty hours of pre-service training is required, and once licensed, there is a review done every year. The average amount paid to foster care parents is \$315.00 per month for children 0-5 years of age, \$365.00 per month for children 6-12, and \$415.00 per month for children older than 13. The rate for mentally disabled children who receive Medicaid ranges from \$40.00 to \$180.00 per day. Group homes are monitored on an annual basis from the licensure standpoint. The Department of Social Services (DSS) investigates all allegations of abuse and neglect involving children residing in group homes.

Staff attorney, Erika Churchill, discussed the federal and state laws regulating placement of group homes. Pursuant to federal law, the local authority in any of its actions can not do anything that would discriminate against the disabled, either in enforcement or affect. In respect to zoning by a local entity this would mean that if the entity has a zoned residential area, then the disabled or handicapped cannot be zoned out of the residential area. Federal law is controlling, and the state may not override federal law. As to State statutory regulation, North Carolina has not enacted any specific laws regarding group homes that house children. However, North Carolina has addressed the issue with regards to adult family care homes. Under Chapter 168, local governments are allowed to require new adult family care homes to be up to one-half mile from any existing adult family care home under the local government's zoning ordinance. Some local governments may

have applied this provision to children's group homes. The Division of Facilities Services, in licensing group homes, requires that the home comply with all zoning provisions.

Senator Rand then recognized Sheriff Earl R. Butler of Cumberland County. The Sheriff discussed the problems that the group homes in Fayetteville caused for law enforcement agencies. The Sheriff also identified numerous issues related to group homes: People from other counties are coming into Cumberland County, and this is creating a problem for the school system. There is no simple answer. The Cumberland County group homes are having to house children from other places because other counties do not have the programs to provide for them. It is hard to track whether or not the originating counties are supporting the children who come from their counties. The Sheriff's Department uses a lot of man-hours to locate runaways, as it is the responsibility of the Sheriff to conduct search and rescue missions. The schools should be compensated to take some of the burden off the taxpayers.

Mr. Chuck Harris of the Department of Social Services (DSS) clarified for the Committee that not all children in group homes have been placed by DSS. However, very few of the children who are placed in foster care stay in their school district. Thirty percent of children in foster care are placed outside their county of residence, and the county maintaining custody pays for the foster care. The funds do not pay for education or for local services provided by the Sheriff's department. The standard stay of a child in a group home is 6-9 months, while the average stay in foster care varies.

Mr. Ricky Lopes, Associate Superintendent for Business Operations for Cumberland County Schools, addressed the issue of educational costs. (See Appendix D.) Mr. Lopes explained that State law required the county where the child attends school to be responsible for the education of that child. Currently, Cumberland County Schools are serving 117 students who reside in group homes in Cumberland County, but have a residence in another county. The State and federal funds are reimbursed for educating out-of-county students. The portion that is not reimbursed is the local portion for educating these students. Applying the average deficit of \$3429 per student that is not covered by State or federal reimbursements to the 117 "out-of-county" students, the total cost

to be absorbed by the taxpayers of Cumberland County is \$401,193.00. Mr. Lopes also explained that if the Cumberland County School System were established as a charter school, then the county of residence for the 117 students would be responsible for paying for the local piece of their educational costs.

Mr. Lowell Harris, Director, Division of Exceptional Children, Department of Education, discussed the state education funding for students in group homes. (See Appendix E.) Mr. Jim Newlin, staff, stated that there are gaps in the funding. One of the areas that could be looked at by the committee is an out-of-county transfer after the April 1 headcount. The LEA has the choice of applying for funding for that child then and receiving a pro-rated amount for the next month or so. The next fall they would not receive regular exceptional children money because the child came in after the headcount.

Mr. Newlin stated that the issue of at which rate the child would be funded, i.e. whether it would be at the rate of the host county or the rate of the home county, would need to be addressed. Senator Rand suggested that the actual expenses be paid.

Ed Regan was recognized to speak for the NC Association of County Commissioners. The Board of Directors approved the goal to support legislation to send state and local money with the child to a new group home. Their full commission will vote on this issue in January of 2001. The Legislative Goals Committee for the Association is slated to adopt a request that every county would pay for the education of children in its custody placed in another county. This would allow the money to from the home county to be sent to the host county. The rate for the transferring county would determine the amount of funds that would follow the child. Senator Garrou asked about the consequences of passing such legislation. Mr. Davis stated that he was not aware of any negative consequences at this time.

Tara Larson of the Department of Health and Human Services, stated that the local education representatives along with the local DSS Director, Area Program Director, and the Court Counselor,

should have a Memorandum of Agreement (MOA) in place that outlines the responsibilities of who will pay for what and when. She asked that DPI also participate in that process.

Representative Hurley asked for comments or recommendations by the committee members. Upon discussion, the Committee instructed staff to draft legislation and draft a report addressing the issues discussed to the Legislative Research Commission for approval by the Committee.

The Committee met again on January 4, 2001, via conference phone call. Dr. McKethan suggested to the Committee to add another recommendation to the report, creating an advisory committee to the Child Residential Treatment Services Program for the purpose of reviewing issues and making recommendations regarding the treatment and education of children in community residential placements. Senator Rand suggested that the Department of Public Instruction be charged with this task, meeting at least semi-annually and reporting to the General Assembly annually. The Committee agreed that requiring a report to the General Assembly would provide more oversight on the issue. After discussion, the Committee voted to approve the report, as amended, for recommendation to the Legislative Research Commission.

FINDINGS AND RECOMMENDATIONS

Upon discussion and debate, the Joint Legislative Research Commission's Committee on Special Education To Children In Group Homes makes the following findings and recommendations:

1. Concentration of Group Homes.

a. Findings. Based upon the presentations and discussion, the Committee finds that the location of group homes by private entities may be regulated by local government entities in accordance with State and Federal law. In support of this finding, the Committee states the following:

- Units of local government in North Carolina have the authority to implement zoning ordinances.
- The location of therapeutic foster care homes and group homes have a fiscal as well as community impact on the areas in which they are physically located.
- Currently, no State laws exist to limit a unit of local government's zoning authority over the location of group homes for children.
- Currently, Federal laws do impact a unit of local government's zoning authority over the location of group homes for handicapped individuals.

b. Recommendations. Therefore, the Committee recommends that any unit of local government desiring to implement zoning controls over the placement of group homes for children should consult with legal counsel prior to adopting any ordinance.

2. Placement of Children.

a. Findings. Based upon the presentations and discussion, the Committee finds that the placement of children in family type settings is in the best interest of the children. In support of this finding, the Committee states the following:

- A child should be placed in the community in which the child resides, if possible and in the child's best interest.

- Placement in a group home is necessary for some children; however, the majority of children in need of placement would be better served in a family type environment.
 - Foster care homes provide a family type environment, and can potentially provide needed services for the child.
- b. Recommendations. Therefore, the Committee recommends that the Department of Health and Human Services should strive to place a child in a foster care or family type environment when possible for the benefit of the child.

3. Role of the Department of Instruction in Placement of Children.

- a. Findings. Based upon the presentations and discussion, the Committee finds that the Department of Public Instruction should be included in the Memorandum of Agreement among agencies involved in serving the needs of children placed in group homes. In support of this finding, the Committee states the following:
- State law requires a memorandum of agreement among state agencies involved in the administration, financing, care and placement of children at risk of institutionalization or other out-of-home placement. Agencies include the Department of Health and Human Services, Department of Juvenile Justice and Delinquency Prevention and Administrative Office of the Courts.
 - Such memoranda are required at the State level and at the local level.
- b. Recommendations. Therefore, the Committee recommends:
- (1) The attached legislation, entitled "LEAs and Group Homes" be considered by the General Assembly. In summary the bill establishes:
- The Department of Public Instruction as a participant in the memorandum of agreement at the State level.
 - The State Board of Education is to require local education agencies participate in any memorandum of agreement dealing with this issue within their districts.
 - The State Board of Education shall require that local memoranda of agreement include provision for the immediate availability of student records to a school

district receiving a child placed in a residential setting outside the child's home county.

(2) That the Department of Public Instruction shall establish an advisory council, or charge an existing advisory council, to review issues regarding the treatment and education of children in community residential placements. The advisory group is to meet at least semi-annually and make recommendations to the Department of Public Instruction and the State Board of Education. This advisory group is to include representatives from other state agencies including the Divisions of Mental Health and Social Services, Department of Health and Human Services, the Department of Juvenile Justice and Delinquency Prevention, as well as local services agencies including local education agencies. The Department of Public Instruction shall report to the Joint Legislative Education Oversight Committee annually by September 30th, beginning September 30, 2001, on the efforts and recommendations of the advisory group charged with this task.

4. Tracking of Children Placed in Group Homes.

a. Findings. Based upon the presentations and discussion, the Committee finds that information, including county of residence and county of placement, on the numbers of children placed in group homes is needed and useful for planning and evaluation purposes. In support of this finding, the Committee states the following:

- Children with special needs that are also at risk of institutionalization or other out-of-home placement may be placed in group homes or therapeutic foster care home settings.
- These placements may occur within the child's county of residence or another county depending upon the availability of appropriate placement options.

b. Recommendations. Therefore, the Committee recommends the attached legislation, entitled "LEAs and Group Homes." In summary the bill requires:

- The Department of Health and Human Services, in collaboration with other affected State and local agencies, develop a method

of identifying and tracking children placed outside of the family unit in group homes or therapeutic foster care home settings.

5. Education of Children Placed in Group Homes.

A) Education Dollars to Follow the Child.

a. Findings. Based upon the presentations and discussion, the Committee finds that the most equitable method for the provision of education services to children placed in group homes is for the county of residence to pay for the education of the child not covered by State or federal funding. In support of this finding, the Committee states the following:

- Counties should not have financial incentives to place children in residential settings outside the home county.

b. Recommendations. Therefore, the Committee recommends the attached legislation, entitled " LEAs and Group Homes." In summary, the bill provides for:

- The home county of the child to pay to the host county the cost of the non-federal and State portion of the public education for the child.

B) Multiplier for Areas with High Concentration of Group Homes.

a. Findings. Based upon the presentations and discussion, the Committee finds that local educational systems impacted by a high concentration of group homes are adversely affected monetarily. In support of this finding, the Committee states the following:

- The majority of children in group homes require special education.
- The cost of special education for these students exceeds the costs reimbursed by the State.
- The local educational system must pay for the cost of special education for these students, less the reimbursement from the State.

b. Recommendations. Therefore, the Committee recommends the attached legislation, entitled “LEAs and Group Homes.” In summary the bill provides for:

- When an educational district reaches a concentration level of group homes, then the educational system in that district is entitled to additional funds to cover the cost of educating the children placed in the group homes from outside the county, and additional funds should be appropriated for this purpose.

C) Group Homes Fund Disbursement.

a. Findings. Based upon the presentations and discussion, the Committee finds that the local school administrative units are not being compensated appropriately for children placed in group homes in the jurisdiction of the local school administrative unit after the April headcount. In support of this finding, the Committee states the following:

- The State Department of Public Instruction currently allows local school administrative units to request funds from the Group Home Program allotment for children placed in a group home from outside the school district only if the child was not in the April headcount for the prior year and if this is the first school year in which the child was placed in the group home.

b. Recommendations. Therefore, the Committee recommends the attached legislation, entitled “LEAs and Group Homes.” In summary the bill establishes:

- The State Board of Education and the Department of Public Instruction provide for a local school administrative unit to request funds from the Group Homes Program funds if the child is from outside the county and was not included in that unit’s April headcount for exceptional children of the previous school year, even if the local school administrative unit received Group

Home Program funds for that child for a portion of the preceding school year.

D) Allocation to Group Homes Fund.

a. Findings. Based upon the presentations and discussion, the Committee finds that the State education funding for the Group Homes Program is insufficient. In support of this finding, the Committee states the following:

- The allocation for school year 2000-01 was depleted in December, 2000, with six months remaining in the school year.
- Funds for the Special State Reserve for Children with Disabilities are being used to meet requests for Group Homes Program funds.
- The Department of Public Instruction has requested an increase in the continuation budget for fiscal year 2001-2002 of \$496,000, 52% above the current funding.
- That applications for the funds continue to be submitted after the funds have been depleted.

b. Recommendations. Therefore, the Committee recommends the attached legislation, entitled "LEAs and Group Homes." In summary the bill establishes:

- An additional \$553,000 be appropriated to the Group Homes Program fund to provide a sufficient level of funding to meet the growing number of requests due to increased placement of children in group home settings outside the home county.

APPENDIX A

(DELETE LANGUAGE REFERRING TO OTHER STUDIES, LEAVING ONLY THAT APPLICABLE TO YOUR STUDY. INSERT ELLIPSIS ". . ." TO DENOTE DELETION OF IRRELEVANT MATERIAL.)

SESSION LAWS 1999 - 395

AN ACT TO AUTHORIZE STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, TO CREATE VARIOUS STUDY COMMISSIONS, TO DIRECT STATE AGENCIES AND LEGISLATIVE OVERSIGHT COMMITTEES AND COMMISSIONS TO STUDY SPECIFIED ISSUES, AND TO AMEND OTHER LAWS.

The General Assembly of North Carolina enacts:

PART I.-----TITLE

Section 1. This act shall be known as "The Studies Act of 1999".

PART II.-----LEGISLATIVE RESEARCH COMMISSION

Section 2.1. The Legislative Research Commission may study the topics listed below. When applicable, the bill or resolution that originally proposed the issue or study and the name of the sponsor is listed. Unless otherwise specified, the listed bill or resolution refers to the measure introduced in the 1999 Regular Session of the 1999 General Assembly. The Commission may consider the original bill or resolution in determining the nature, scope, and aspects of the study. The following groupings are for reference only:

(1) Governmental Agency and Personnel Issues:

- a. Defined contribution pension plan for State employees and teachers (H.B. 39 - Baker).
- b. State agencies' customer service quality assurance (H.B. 636 - Owens).
- c. Administrative process for State employee grievances (H.B. 1014 - Miller).
- d. State employee comprehensive compensation system (H.J.R. 1158 - Nesbitt, Sherrill; S.J.R. 1031 - Reeves).
- e. Procurement card pilot program of the Department of Administration, including its effectiveness and efficiency, costs and benefits, impact on accounting, budgeting, and purchasing history records, how to identify realized savings, and the feasibility of statewide implementation of the program (Shaw of Cumberland; Wainwright).
- f. Acquisition of additional parklands at Lake James State Park (S.B. 200 - Odom).
- g. State government construction projects' review and approval process.
- h. Digitization of public records by the Division of State Archives (Jeffus).
- i. Regulation of nondepository trust companies and authorization of family trust companies (S.B. 94 Warren).
- j. State tort liability and immunity (Walend, Nesbitt).

(2) Insurance and Managed Care Issues:

- a. Managed care issues, including any willing provider, patients' rights, managed care entity liability, office of consumer advocacy for insurance, prompt payment of health claims, and related issues (S.B. 1089 - Harris, H.J.R. 1461 - Mosley).
- b. Mental health and chemical dependency parity (H.B. 713 - Alexander; S.B. 836 - Martin of Pitt).
- c. Health reform recommendations of the Health Care Planning Commission and its advisory committees (established by Section 1.2 of Chapter 529 of the 1993 Session Laws) that have not been implemented but are still needed and other health reform issues (Insko).
- d. Pharmacy choice/competition (H.B. 1277 - Cole; S.B. 137 - Rand).

- (3) Education Issues:
 - a. Driver education programs; teen drivers (H.B. 1440 - Mosley).
 - b. Seat belts on school buses (H.B. 355 - Mosley).
 - c. Resolution of conflicts between boards of education and county commissioners.
 - d. School boards review of applicable court orders (H.B. 790 - Gulley).
 - e. Election, terms, and constitution of the Board of Governors of The University of North Carolina (H.B. 1242 - Haire).
- (4) Human Resources and Health Issues:
 - a. Long-term care facility licensure compliance (H.J.R. 909 - Mosley).
 - b. Biannual inspection and grading of adult care homes by county social services departments, including areas and services to be inspected and graded, penalties for failure to meet minimal grade levels, fiscal impact on county social services departments, posting of grade in the adult care home, and related issues (Earle and Sherrill).
 - c. Medicaid recovery (H.J.R. 102 - Clary; S.J.R. 39 - Purcell).
 - d. Central registry for living wills and organ donations (H.B. 406 - Fox).
 - e. Animal vaccination administration (H.B. 595 - Owens; H.B. 329 - Tucker).
 - f. Marriage license laws (H.J.R. 1365 - Hill; H.B. 973 - Hill; S.B. 1018 - Dalton).
 - g. Unvented gas heaters (S.B. 785 - Albertson).
 - h. Hunger and nutrition (H.B. 1229 - Adams; S.B. 944 - Martin of Guilford).
 - i. Spaying/neutering of dogs and cats, including funding (H.B. 819 - Hensley; S.B. 330 - Kinnaid).
 - j. Causes and prevention of juvenile crime and delinquency (S.B. 914 - Rand).
 - k. Child care subsidy issues including but not limited to: state implementation of federally mandated biennial market-rate surveys for the child care subsidy program and provider reimbursement formula, under the new five-star rated license, for the child care subsidy program (Mosley).
 - l. Spinal manipulation treatment including comparison to spinal mobilization and similar treatments, utilization rates among health care professionals, complications and training.
 - m. Defibrillators; use and liability (H.B. 1118 - Wright).
 - n. Health professions scope of practice.
- (5) Taxation and Economic Development Issues:
 - a. Consolidated income tax returns by affiliated corporations, including the legal, fiscal, and other effects of consolidated or combined reporting (H.J.R. 491 - McMahan).
 - b. Impact of military bases on public services and taxes (Hurley and Warner).
 - c. Capital incentive program for tourism (H.J.R. 1483 - Earle).
- (6) Environmental/Agricultural Issues:
 - a. Wastewater system construction permits and related issues (H.B. 137 - Culp).
 - b. Red imported fire ants, including adverse impacts on health, environment, land use, and economy, and the feasibility of increasing control and eradication efforts (PLYLER, Warwick).
 - c. Apple industry, including marketing, production, effect of pesticide control, use of pesticides marketed in other countries, impact of imported apples and apple products, use of juice concentrate, and related issues (Justus).
 - d. Environmental impacts; sources of pollution (H.B. 1002 - Warwick).
 - e. Coastal beach movement; beach renourishment, and storm mitigation (H.B. 118 Redwine; S.B. 54 - Ballantine).

- (7) Labor/Employment Issues:
 - a. Protection of youth labor in entertainment industry (H.B. 942 - Goodwin).
 - b. Employment security and unemployment insurance tax issues (H.B. 324 - C. Wilson; Hoyle, Kerr).
- (8) Government Regulatory Issues:
 - a. Magistrates authority (H.B. 1224 - Baddour).
 - b. Telephone solicitation (H.B. 1080 - Allen).
- (9) Transportation Issues:
 - a. Trucking safety (H.B. 1249 - C. Wilson).
 - b. Toll roads.
 - c. Municipal participation in road funding.
 - d. Pedestrian ferry services (Basnight).
- (10) Consumer protection issues:
 - a. Higher cost of credit including (Clodfelter):
 - 1. A review of the licensing and regulatory supervision of credit sources subject to statutory interest or fee limitations other than the usury act (G.S. 24) and retail installment sales act (G.S. 25);
 - 2. The adequacy of consumer protections afforded to borrowers of these lenders both instate and federal law;
 - 3. Whether legal differences in loan terms, regulation and consumer protections of similar credit products offered by federally chartered sources of credit and those lenders licensed by state agencies should be addressed in state law to create parity in the credit market;
 - 4. Whether programs exist or should be initiated to educate the public to promote personal financial literacy;
 - 5. Whether marketplace competition, state regulations or law are sufficient to ensure the availability of lower-cost credit for high risk borrowers who have improved their credit worthiness;
 - 6. Whether consumers who seek high-cost credit are subjected to abusive lending practices or suffer adverse economic consequences as a result of obtaining high-cost loans.
 - b. Cash-out transactions used by some check cashing businesses (S.B. 1137 - Martin of Guilford, Shaw of Guilford) and pawn shops.
 - c. Sale of structured settlements and the effects of Senate Bill 746.
 - d. Cash converter regulation (H.B. 1451 - Hurley).
 - e. Credit insurance and mortgage credit, including the licensing, regulation, and examination of mortgage brokers and mortgage lenders, financing of credit insurance premiums, and other aspects of the mortgage market relating to the availability of mortgage credit. These issues may be studied in conjunction with issues required to be studied under Senate Bill 1149 (1999 Session).
- (11) Criminal laws issues:
 - a. Prohibiting death sentence for mentally retarded persons (S.B. 334 - Ballance).
 - b. Prohibiting death sentence obtained on basis of race (S.B. 991 - Ballance).
 - c. Bail bond laws (S.B. 994 - Odom, Ballantine; H.B. 1219 - BADDOUR).
- (12) Real property issues:
 - a. Development-rights transfer and the creation of development-rights banks (S.B. 1059 Clodfelter).
 - b. Ways to improve the quality of documents recorded in the office of the register of deeds (S.B. 873 - Dalton).

Section 2.2. Committee Membership. -- For each Legislative Research Commission committee created during the 1999-2001 biennium, the cochairs of the Legislative Research Commission shall appoint the committee membership.

Section 2.3. Reporting Date. -- For each of the topics the Legislative Research Commission decides to study under this Part or pursuant to G.S. 120-30.17(1), the Commission may report its findings, together with any recommended legislation, to the 1999 General Assembly, 2000 Regular Session, or the 2001 General Assembly.

Section 2.4. Funding. -- From the funds available to the General Assembly, the Legislative Services Commission may allocate additional monies to fund the work of the Legislative Research Commission.

PART III.-----NORTH CAROLINA TAX POLICY COMMISSION

Section 3.1. Commission Established. -- There is established a North Carolina Tax Policy Commission.

Section 3.2. Membership. -- The Commission shall consist of 15 members who shall represent, insofar as practicable, the diverse interests and geographic regions of the State and shall include individuals with expertise in tax policy, tax administration, and professional tax practice.

The Speaker of the House of Representatives shall appoint five members, as follows: two members of the General Assembly, one individual nominated by the North Carolina League of Municipalities, one individual who represents business taxpayers, and one public member.

The President Pro Tempore of the Senate shall appoint five members, as follows: two members of the General Assembly, one individual nominated by the North Carolina Association of County Commissioners, one individual who represents nonbusiness taxpayers, and one public member.

The Governor shall appoint five members, as follows: one individual who represents tax practitioners, one individual who represents nonprofit, charitable organizations, one individual who has demonstrated leadership and expertise in tax policy, one individual who represents senior citizens and one individual who represents small business taxpayers.

Appointments to the Commission shall be made no later than August 31, 1999. Vacancies shall be filled by the original appointing authority.

Section 3.3. Mission. -- The mission of the Commission is to study, examine, and, if necessary, design a realignment of the State and local tax structure in accordance with a clear, consistent tax policy. This mission requires:

- (1) Establishing the principles of taxation upon which a sound State and local tax structure should be built for the 21st century.
- (2) Examining the current State and local tax structure to determine if it reflects these principles.
- (3) Recommending changes in the State and local tax structure to the extent it does, and does not, reflect these benchmark tax principles.
- (4) Recommending principles and practices to simplify and consolidate existing taxes to provide uniformity; to ease the administrative burden on the taxpayer; to maximize taxpayers' use of electronic tax payment and reporting methods; and to reduce the costs of collecting and administering taxes.

Section 3.4. Duties. -- The Commission shall:

- (1) Evaluate the current State and local tax base in terms of:
 - a. Responsiveness of each base to the changing and emerging economies (e.g., from farming and manufacturing to services, commerce, such as Internet sales, and technology).
 - b. Rates compared to other states.

- c. Cost of collecting each tax.
 - d. Tax burden imposed on individuals and businesses in the State.
 - e. Principles of taxation reflected in the tax.
- (2) Examine all current tax preferences, such as lower rates, exemptions, exclusions, and refunds, to determine their public policy purpose; examine the narrowing of the tax base that is a product of these preferences; and evaluate the resulting impact on taxpayers not eligible for these preferences.
 - (3) Review tax changes made in the last 10 years to determine their impact on the State compared to their projected impact, and to assess any economic or demographic conditions on the horizon that may alter their impact.
 - (4) Examine the impact of changing intergovernmental (federal-State-local) relationships upon funding among levels of government and the resulting impact upon tax policy; and examine how the State, counties, and cities will share a reduced federal funding role, when, in 2003, the Balanced Budget Act takes full effect and federal domestic spending is fully capped.
 - (5) Examine the impact of changing interlocal, (city/county) service systems and the resulting effect on local tax policy; and examine how area-wide services, such as fire suppression, water-sewer, and recreation, should be financed and allocated.

Section 3.5. Report. -- The Commission shall submit a final report of its findings and recommendations by March 1, 2001, to the General Assembly, the Governor, and the citizens of the State. The Commission may also make an interim report, including recommended legislation, to the 2000 Regular Session of the 1999 General Assembly, and to the Governor and the citizens of the State. The report shall include draft legislation to implement its recommendations along with an analysis of the fiscal impact of each recommendation. The Commission shall terminate upon filing its final report.

Section 3.6. Expenses of Members. -- Members of the Commission shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate.

Section 3.7. Cochairs; Meetings. -- Cochairs of the Commission shall be designated by the Speaker of the House of Representatives and the President Pro Tempore of the Senate from among their respective appointees. The Commission shall meet upon the call of the chairs. A majority of the members of the Commission shall constitute a quorum.

The Commission may meet during a regular or special session of the General Assembly, subject to approval of the Speaker of the House of Representatives and the President Pro Tempore of the Senate. The Legislative Services Commission shall grant adequate meeting space to the Commission in the State Legislative Building or the Legislative Office Building.

Section 3.8. Subcommittees. -- The Commission may appoint subcommittees of its members and other knowledgeable persons or experts to assist it. It may also appoint a Technical Advisory Board, if deemed desirable by its members to have an ongoing body of technical experts.

Section 3.9. Citizen Participation. -- The Commission shall establish a process of citizen education and participation that assures the citizens of North Carolina of the opportunity to be informed of and contribute to the work of the Commission.

Section 3.10. Staff. -- Within funds available, the Commission, after consultation with the Legislative Services Commission, shall employ a full-time Executive Director who shall report to the Commission and serve at its pleasure. The Executive Director shall be the Chief Executive Officer and may employ additional employees and contract for services, subject to approval of the Commission. Additional staff may be provided to the Commission by the Legislative Services Office.

Section 3.11. Powers. -- The Commission, while in the discharge of official duties, may exercise all the powers provided under the provisions of G.S. 120-19 through G.S. 120-19.4. The Commission may contract for consultant services as provided by G.S. 120-32.02, including revenue forecasting and estimating services from the Tax Research Division of the Department of Revenue.

Section 3.12. Cooperation by Government Agencies. -- The Commission may call upon any department, agency, institution, or officer of the State or any political subdivision of the State for facilities, data, or other assistance.

Section 3.13. Funding. -- The Legislative Services Commission shall allocate from the General Assembly reserves up to five hundred thousand dollars (\$500,000) for the expenses of the Commission. The Commission may apply for, receive, and accept grants of non-State funds, or other contributions as appropriate to assist in the performance of its duties.

PART IV.-----ELECTION LAWS STUDY COMMISSION (S.B. 882 - Gulley; H.B. 1402, H.B. 1073 - Alexander)

Section 4.1. There is created an Election Laws Revision Commission. The Commission shall be composed of 17 members. Twelve members shall be appointed as follows:

- (1) The President Pro Tempore of the Senate shall appoint four members, including at least one county board of elections member, with no more than three of the four affiliated with the same political party.
- (2) The Speaker of the House of Representatives shall appoint four members, including at least one county elections director, with no more than three of the four affiliated with the same political party.
- (3) The Governor shall appoint four members, including at least one county commissioner and at least one minority-party member of the State Board of Elections.

The Chair and the Executive Secretary-Director of the State Board of Elections shall be ex officio members. The State chairs of the three political parties whose nominees for Governor received the largest number of votes in the most recent general election for Governor shall be ex officio members. All members of the Commission, whether appointed or ex officio, shall be voting members.

Section 4.2. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a cochair of the Commission from their appointees.

Section 4.3. The Election Laws Revision Commission shall study the following:

- (1) The election laws, policies, and procedures of the State.
- (2) The administration of those laws, policies, and procedures at the State and local levels and the responsibilities of those administering these laws.
- (3) The election laws, policies, and procedures of other States and jurisdictions.
- (4) Federal and State case rulings impinging on these laws, policies, and practices.
- (5) Public funding of election campaigns, including the advisability and proper design of a system to allow public funds to be used to support the campaigns of candidates for Governor, Lieutenant Governor, other Council of State officers, and the General Assembly who agree to abide by fund-raising and spending limits.
- (6) APA exemption for the State Board of Elections.
- (7) Preference voting and instant second primaries.

Section 4.4. The Commission shall prepare and recommend to the General Assembly a comprehensive revision of the election laws of North Carolina that will accomplish the following:

- (1) Remove inconsistencies, inaccuracies, ambiguities, and outdated provisions in the law.

- (2) Incorporate in the law any desirable uncodified procedures, practices, and rulings of a general nature that have been implemented by the State Board of Elections or its Executive Secretary-Director.
- (3) Conform the statutory law to State and federal case law and to any requirements of federal statutory law and regulation.
- (4) Ensure the efficient and effective administration of elections in this State.
- (5) Continue the impartial, professional administration of elections, which the citizens of the State expect and demand.
- (6) Recodify the election laws, as necessary, to produce a comprehensive, clearly understandable structure of current North Carolina election law, susceptible to orderly expansion as necessary.

Section 4.5. With the prior approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional staff to assist in the work of the Election Laws Revision Commission and may provide for additional staffing by the State Board of Elections, Office of the Attorney General, and the Institute of Government. With prior approval of the State Board of Elections, the Election Laws Revision Commission may hold its meetings in the offices of the State Board. With the prior approval of the Legislative Services Commission, the Election Laws Revision Commission may hold its meetings in the State Legislative Building or the Legislative Office Building.

Section 4.6. The Commission shall submit a final written report of its findings and recommendations on or before the convening of the 2001 Session of the General Assembly and may submit a report to the 2000 Regular Session of the 1999 General Assembly. All reports shall be filed with the President Pro Tempore of the Senate and the Speaker of the House of Representatives, the Principal Clerks of the Senate and the House of Representatives, and the Legislative Librarian. Upon filing its final report, the Commission shall terminate.

Section 4.7. Members of the Commission shall be paid per diem, subsistence, and travel allowances as follows:

- (1) Commission members who are also members of the General Assembly, at the rate established in G.S. 120-3.1;
- (2) Commission members who are officials or employees of the State or local government agencies, at the rate established in G.S. 138-6;
- (3) All other Commission members, at the rate established in G.S. 138-5.

Section 4.8. All State departments and agencies, local boards of elections, and local governments and their subdivisions shall cooperate with the Commission and, upon request, shall furnish to the Commission and its staff any information in their possession or available to them.

Section 4.9. From funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds for the expenses of the Election Laws Revision Commission.

PART V.-----LEGISLATIVE STUDY COMMISSION ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES

Section 5.1. The Implementation Advisory Committee that was created by the Legislative Study Commission on Mental Health, Developmental Disabilities, and Substance Abuse Services may continue its work with the Developmental Disabilities Section of the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, Department of Health and Human Services, to update strategies of the Mental Health Study Commission's Developmental Disabilities Plan. The Implementation Advisory Committee may make its final report to the Legislative Study Commission on Mental Health, Developmental Disabilities, and Substance Abuse Services on or before July 1, 2000, and upon making its final report shall terminate unless

extended by the Legislative Study Commission on Mental Health, Developmental Disabilities, and Substance Abuse Services (H.J.R. 627 - Alexander).

Section 5.2. The Legislative Study Commission on Mental Health, Developmental Disabilities, and Substance Abuse Services shall study whether and under what circumstances certain persons committed involuntarily to State psychiatric hospitals should be released under specific conditions. In conducting the study, the Commission shall consider the following:

- (1) The target population for whom conditional release may be appropriate and necessary to protect public safety and enhance patient stability.
- (2) The estimated number of persons who could qualify for conditional release.
- (3) Criteria for conditional release that are clearly and narrowly defined to ensure that conditional release will apply only to the target population and will not be susceptible to being applied in an overinclusive manner.
- (4) Costs of implementing conditional release, including the need for such additional resources at the area mental health authority level as medication, transportation, case management, and administrative start-up costs.
- (5) The role, duties, and responsibilities of area mental health authorities, 24-hour facilities, sufficiently and clearly defined to ensure both efficient coordination and communication among these entities and continuity of care for respondents on conditional release.
- (6) The qualifications necessary for personnel monitoring and supervising conditional release and providing treatment to respondents on conditional release.
- (7) The mental health system issues and patient disabilities that currently contribute to patient noncompliance with recommended treatment, and treatment approaches and systems designs that would enhance patient compliance, mental health, and quality of life.
- (8) Any other issues the Commission deems appropriate for the study (H.B. 298 - Hackney).

Section 5.3. The Legislative Study Commission on Mental Health, Developmental Disabilities, and Substance Abuse Services shall study the use of physical and mechanical restraints in certain facilities (S.B. 1086 - Phillips).

Section 5.4. The Commission shall report its findings and recommendations under this Part to the 1999 General Assembly, Regular Session 2000, not later than one week prior to its convening. The Commission's report may include recommended legislation for consideration by the 1999 General Assembly, Regular Session 2000.

PART VI.-----FUTURE OF ELECTRIC SERVICE FUNDING CONTINUATION (H.B. 777 - McComas; S.B. 266 - Hoyle)

Section 6.1. Section 10.1 of S.L. 1997-483 reads as rewritten:

"Section 10.1. Notwithstanding G.S. 62-302(d), all expenses during the 1997-98 and the 1998-99 1997-98, 1998-99, and 1999-2000 fiscal years of the Study Commission on the Future of Electric Service in North Carolina, established in S.L. 1997-40, shall be reimbursed from funds in the Utilities Commission and Public Staff Fund. There is allocated initially one hundred thousand dollars (\$100,000) from the Utilities Commission and Public Staff Fund to the General Assembly for the purpose of enabling the Study Commission on the Future of Electric Service in North Carolina to organize and begin its work. Upon the certification of the need for additional funds by the cochairs of the Study Commission on the Future of Electric Service in North Carolina for the work of the Commission, the Utilities Commission shall transfer the additional funds from the Utilities Commission and Public Staff Fund to the General Assembly for that purpose."

Section 6.2. This Part is effective retroactively to June 30, 1999.

PART VII.-----STUDY COMMISSION ON AGING STUDIES

Section 7.1. The North Carolina Study Commission on Aging shall study the issue of annual immunization of residents and employees of nursing homes, adult care homes, and adult day care homes against influenza, and the immunization of residents every five years against pneumococcal disease. In conducting the study, the Commission shall consider the following:

- (1) Requiring that facilities obtain the written, informed consent to immunization by residents and employees.
- (2) Providing for exemptions from immunization on the basis of medical contraindication or religious belief.
- (3) The dates by which annual immunizations should be administered.
- (4) Methods for ensuring facility compliance with immunization requirements, including documentation of immunizations performed.
- (5) Fiscal impact of providing immunizations.
- (6) Any other matters the Commission deems relevant to the study (Insko).

Section 7.2. The North Carolina Study Commission on Aging shall study the rationale and appropriateness of present cost-sharing of nonfederal costs of Medicaid services for all State-County Special Assistance (S.B. 743 - Dalton).

Section 7.3. The Commission shall report its findings and recommendations under this Part, including recommended legislation, to the 1999 General Assembly, Regular Session 2000, not later than May 1, 2000.

PART VIII.-----JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE/SEAFOOD LABELED AS TO ORIGIN (H.B. 953 - Smith)

Section 8.1. The Joint Legislative Commission on Seafood and Aquaculture shall study the desirability and feasibility of requiring seafood entering the State to be labeled as to its state or country of origin. The Joint Legislative Commission on Seafood and Aquaculture shall report its findings and recommendations, if any, to the 2000 Regular Session of the 1999 General Assembly.

PART IX.-----ENVIRONMENTAL REVIEW COMMISSION

Section 9.1. The Environmental Review Commission shall study motor vehicle emissions testing and maintenance requirements under Part III of Senate Bill 953 (1999 Regular Session) as they relate to individual counties and shall report its findings and recommendations to the 2000 Regular Session of the 1999 General Assembly (Gibson).

PART X.-----JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE STUDIES

Section 10.1. The Joint Legislative Transportation Oversight Committee shall study:

(1) The issuance by the Division of Motor Vehicles of motor vehicle titles without recorded liens noted on the title in circumstances in which a lien should have been recorded on the motor vehicle title.

The Committee shall review the issuance of titles that are applied for at a Motor Vehicle License Plate Agency operated by the Division of Motor Vehicles as well as motor vehicle titles that are applied for at a Motor Vehicle License Plate Agency operated by a private contractor (Plyler).

- (2) Nonbetterment utility relocation costs (H.B. 789 - Goodwin).

Section 10.2. The Joint Legislative Transportation Committee may report any findings and recommendations of its studies under this Part to the General Assembly prior to the convening of the 2000 Regular Session of the 1999 General Assembly, or prior to the convening of the 2001 General Assembly.

PART XI.-----CIVIL LITIGATION STUDY COMMISSION

Section 11.1.(a) The Civil Litigation Study Commission is created. The Commission shall consist of 18 voting members: six members to be appointed by the President Pro Tempore of the Senate, six members to be appointed by the Speaker of the House of Representatives, and six members to be appointed by the Chief Justice of the North Carolina Supreme Court. No more than four members appointed by the President Pro Tempore of the Senate and no more than four members appointed by the Speaker of the House of Representatives may be members of the General Assembly. No more than four of the members appointed by any one of the three appointing authorities may be members of the same political party.

Section 11.1.(b) The Commission shall:

- (1) Study all practices and procedures that affect the speed, fairness, and accuracy with which civil actions are disposed of in the trial divisions of the General Court of Justice, including the rules of civil procedure, rules of evidence, other relevant statutes, statewide and local court-adopted rules of practice and procedure, administrative rules, appellate opinions and all other relevant practices, customs, and traditions in the trial courts of North Carolina;
- (2) Devise and recommend improved practices and procedures that (i) reduce the time required to dispose of civil actions in the trial divisions; (ii) simplify pretrial and trial procedure; (iii) guarantee the fairness and impartiality with which the claims and defenses are heard and resolved; and (iv) increase the parties' and the public's satisfaction with the process of civil litigation;
- (3) Raising the amount in controversy that determines the proper division for trial of civil actions and allowing counsel fees as part of costs in certain civil actions (S.B. 955 - Dalton);
- (4) Requiring insurers to provide information prior to litigation requiring policy provisions and policy limits upon written request and giving an insurer who provides such information the option of initiating mediation with the person who sought the information (S.B. 24 - Dalton);
- (5) Allowing prisoners who suffer death or total and permanent disability to receive compensation under the Workers' Compensation Act based on the minimum wage (S.B. 992 - Ballance);
- (6) Public duty doctrine issues (Ballance).

Section 11.1.(c) The Commission may report to the General Assembly and the Chief Justice by making an interim report no later than the convening of the 2000 Regular Session and shall make a final report not later than March 1, 2001. The report shall be in writing and shall set forth the Commission's findings, conclusions, and recommendations, including any proposed legislation or court rules. Upon issuing its final report, the Commission shall terminate.

Section 11.1.(d) The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each designate one of their appointees to serve as cochair. The Commission shall meet at such times and places as the cochairs designate. The facilities of the State Legislative Building and the Legislative Office Building shall be available to the Commission, subject to the approval of the Legislative Services Commission. Legislative members of the Commission shall be reimbursed for subsistence and travel expenses at the rates set forth in G.S. 120-3.1. Members of the Commission who are officers or employees of the State shall receive reimbursement for travel and subsistence expenses at the rates set forth in G.S. 138-6. All other members shall receive compensation and reimbursement for travel and subsistence expenses at the rates specified in G.S. 138-5.

Section 11.1.(e) The Commission may solicit, employ, or contract for technical assistance and clerical assistance, and may purchase or contract for the materials and services it needs. Subject to the approval of the Legislative Services Commission, the staff resources of the Legislative Services Commission shall be available to the Commission without cost except for travel, subsistence, supplies, and materials.

Section 11.2. Of the funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds to implement the provisions of this Part.

PART XII.-----JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE STUDY

Section 12.1. The Joint Legislative Education Oversight Committee may study the concept of prekindergarten education including the Bright Beginnings Program in Mecklenburg County (Rucho).

Section 12.2. The Joint Legislative Education Oversight Committee may report to the General Assembly its findings and recommendations of this study not later than the convening of the 1999 General Assembly, 2000 Regular Session, or that of the 2001 General Assembly.

PART XIII.-----REVENUE LAWS STUDY COMMITTEE

Section 13.1. The Revenue Laws Study Committee shall study the following issues:

(1) Regulation and practice of investment advisers including the following (S.B. 1010 - Hoyle; Braswell):

- a. Review and consider the current registration and notice filing procedures and fees required by State law and determine whether the law should be amended to require the disclosure of more information to potential clients of investment advisers to protect the consumers of the State;
- b. Consider whether there should be established in the Office of the Secretary of State an arbitration program that would administer arbitration of disputes, claims, or controversies arising out of contractual relationships between investment advisers and clients or between investment advisers and those who hold client accounts and clear security transactions. If the study determines that an arbitration program should be established, the proposal should include recommendations regarding the training of arbitrators, the composition of arbitration panels, a policy to make the program self-funding, and a schedule of fees for those who use arbitration services;
- c. Review the use of internet-based security transactions and how those transactions are regulated by the State and consider the establishment of a clearinghouse in the Office of the Secretary of State through which all internet-based security transactions would be monitored and recorded. If the study determines that a clearinghouse should be established, the proposal should include recommendations regarding the technology required to record those transactions effectively, while maintaining the security of corporate documents and records, and the cost of such technology; and
- d. Study any other relevant issues.

(2) Any necessary changes to the Shareholder Protection Act and the Business Corporation Act.

Section 13.2. The Revenue Laws Study Commission may report any findings and recommendations of its studies under this Part to the General Assembly prior to the convening of the 2000 Regular Session of the 1999 General Assembly, or prior to the convening of the 2001 General Assembly.

Section 13.3. From appropriations to the General Assembly, the Legislative Services Commission shall allocate funds for the expenses of the Revenue Laws Study Committee under this Part.

PART XIV.-----JOB TRAINING STUDY COMMISSION

Section 14.1.(a) The General Assembly intends to reorganize the State's workforce development system to improve the delivery of job training programs and services in North Carolina.

Section 14.1.(b) There is created a Legislative Study Commission on Job Training Programs. The purpose of the Commission is to review State and federally funded job training programs and services currently in existence to determine the feasibility of eliminating or consolidating those which are duplicative, inefficient, or ineffective in carrying out their purposes and activities.

Section 14.1.(c) The Commission shall consist of six members appointed by the Speaker of the House of Representatives, at least three of whom shall be members of the House of Representatives, and six members appointed by the President Pro Tempore of the Senate, at least three of whom shall be members of the Senate. The Speaker shall designate one Representative as cochair and the President Pro Tempore shall designate one Senator as cochair. Vacancies on the Commission shall be filled by the same appointing officer who made the initial appointment. The Commission shall expire upon delivering its final report.

The Commission, while in the discharge of official duties, may exercise all powers provided for under the provisions of G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Commission may meet at any time upon the joint call of the cochairs. The Commission may meet in the Legislative Building or the Legislative Office Building. The Commission may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02.

The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the Commission in its work. The House of Representatives' and the Senate's Supervisors of Clerks shall assign clerical staff to the Commission, and the expenses relating to the clerical employees shall be borne by the Commission. Members of the Commission shall receive subsistence and travel expenses at the rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate.

Section 14.1.(d) The Commission shall have the following powers and duties:

- (1) To review State and federal laws, rules, and regulations pertaining to job training programs to determine the purpose of each program, the population served, and each program's annual outcomes in terms of type of training received, work search efforts, and job placement;
- (2) To ascertain as far as possible the intention of the United States Congress with respect to continued funding of federally mandated job training programs and any changes in funding formulae;
- (3) To review the amount of State and federal dollars appropriated for each job training program conducted in this State and to review federal requirements for continuous federal funding of the programs;
- (4) To review the number of different State agencies that administer State and federal job training programs, the number of persons employed to implement each job training program, and the amount of State dollars needed annually to implement the program;
- (5) To determine whether federally funded job training programs in this State may lawfully be abolished or reduced in size by the General Assembly, and the impact of such reduction or elimination;

- (6) To conduct public hearings to receive citizen, State agency, and local government comment and experience with the job training programs;
- (7) To conduct other studies or activities to aid the Commission in carrying out its purpose and duties, including reviewing reorganization and consolidation efforts in other states; and
- (8) To ensure program evaluation and accountability for all workforce development programs and to create a comprehensive statewide focus on workforce development.

Section 14.1.(e) The Legislative Study Commission on Job Training Programs may report to the General Assembly, the Joint Legislative Commission on Governmental Operations, and the Joint Legislative Education Oversight Committee not later than the convening of the 1999 General Assembly, 2000 Regular Session, or that of the 2001 General Assembly. The report shall identify each job training program operating in the State and recommend whether each program should be expanded, continued without change, abolished, consolidated with another program, or otherwise modified, including implementation components.

Section 14.1.(f) All State departments and agencies and local governments and their subdivisions shall furnish the Commission with any information in their possession or available to them.

Section 14.1.(g) Of the funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds to implement the provisions of this Part.

PART XV.-----COMMISSION ON IMPROVING THE ACADEMIC ACHIEVEMENT OF MINORITY AND AT-RISK STUDENTS (S.B. 943 - Martin of Guilford; S.B. 762 - CARTER; H.B. 1116 - WRIGHT; H.B. 536 - MOORE)

Section 15.1.(a) The Commission on Improving the Academic Achievement of Minority and At-Risk Students is created. The Commission shall consist of 22 members as follows:

- (1) Five senators and three public members appointed by the President Pro Tempore of the Senate;
- (2) Five representatives and three public members appointed by the Speaker of the House of Representatives; and
- (3) Six public members appointed by the Governor, who represent groups or individuals with knowledge and experience in advocating, educating, or assisting minority and at-risk students to achieve, at least one of whom is a representative of a statewide nonprofit education advocacy organization that advocates on behalf of minority and at-risk students and at least one of whom is a representative of a statewide organization that represents the interests of African-Americans. In making appointments to the Commission, the appointing officers shall ensure that African-American members have significant representation on the Commission.

Section 15.1.(b) Initial appointments to the Commission shall be made before September 15, 1999. The first meeting of the Commission shall be held no later than October 15, 1999.

Section 15.2. The President Pro Tempore of the Senate shall designate one senator as cochair and the Speaker of the House of Representatives shall designate one representative as cochair.

Section 15.3. The Commission shall be authorized to:

- (1) Gather accurate and reliable data and research information pertaining to the status of minority and at-risk students in the North Carolina public education system;
- (2) Identify and visit education programs and other efforts within and outside North Carolina that appear to be successful in yielding significant positive results for minority and at-risk students;

- (3) Consult with higher education faculty members and other persons who have been engaged in extensive research and observation related to these issues and encourage their direct involvement in the activities of the Commission;
- (4) Conduct hearings throughout the State for the purpose of obtaining meaningful information regarding successful education programs and efforts related to those concerns;
- (5) Identify, consult, and meet with representatives of national, regional, and State-level organizations and agencies that could be particularly helpful in addressing these concerns;
- (6) Devise recommendations as to steps that should be taken to address these concerns -- steps to be taken separately and collectively by:
 - a. State government agencies;
 - b. Local government agencies;
 - c. Public schools and higher education institutions;
 - d. Nonprofit organizations, including community-based organizations, with a particular emphasis on those with direct ties to families of these children and youth;
 - e. Foundations;
 - f. Religious institutes;
 - g. Civic organizations;
 - h. Business and industry; and
 - i. Other entities.
- (7) Determine the extent and categories of fiscal and human resources needed to address the identified concerns
- (8) High school graduation standards, including adequacy of course requirements and related issues.

Section 15.4. In the study, particular emphasis should be placed on programs and efforts that have been successful in imparting:

- (1) Improved educational achievement;
- (2) Reduction of school discipline and behavioral problems;
- (3) Reduction of minority and at-risk student dropout rates; and
- (4) Improved relations between parents, schools, and students.

Section 15.5. The Commission shall make an interim report of its findings and recommendations to the General Assembly not later than the convening of the 2000 Regular Session of the 1999 General Assembly. The Commission shall submit to the General Assembly a final report of its findings and recommendations of this study not later than the convening of the 2001 General Assembly. Upon filing its final report, the Commission shall terminate.

Section 15.6. The Commission, while in the discharge of official duties, may exercise all the powers provided under the provisions of G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Commission may meet in the Legislative Building or the Legislative Office Building.

Section 15.7. Members of the Commission shall receive subsistence and travel expenses at the rates set forth in G.S. 120-3.1.

Section 15.8. The Commission may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02. The Legislative Administrative Officer shall assign professional staff to assist in the work of the Commission. The House of Representatives' and the Senate's Supervisors of Clerks shall assign clerical staff to the Commission, upon the direction of the Legislative Services Commission. The expenses relating to the employees shall be borne by the Commission.

Section 15.9. When a vacancy occurs in the membership of the Commission, the vacancy shall be filled by the same appointing officer who made the initial appointment.

Section 15.10. All State departments and agencies and local governments and their subdivisions shall furnish the Commission with information in their possession or available to them.

Section 15.11. The Legislative Services Commission shall allocate funds available to the General Assembly to implement the provisions in this Part.

PART XVI.-----JOINT SELECT COMMITTEE ON INFORMATION TECHNOLOGY STUDY USE OF INDIVIDUAL'S PERSONAL INFORMATION CONTAINED IN STATE DATABASES.

Section 16.1. The Joint Select Committee on Information Technology shall study the extent to which an individual's personal information contained in all State databases, including the Division of Motor Vehicles, is accessible and used by nongovernmental entities and individuals, and the appropriateness of that accessibility and use.

Section 16.2. The Committee may report to the 2000 Session of the 1999 General Assembly and shall file a final report containing its findings and recommendations to the 2001 General Assembly not later than its convening.

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PART XIX.-----ERGONOMICS PROGRAM AND STUDY

Section 19.1.(a) No funds appropriated to the Department of Labor for the 1999-2000 fiscal year or for the 2000-2001 fiscal year shall be used, encumbered, or committed to implement or enforce an ergonomics standard.

Section 19.1.(b) The Legislative Study Commission on Occupational Musculoskeletal Disorders is created to study the causes, frequency, costs, and prevention of occupational musculoskeletal disorders including, but not limited to, sprains, strains, and repetitive motion disorders.

Section 19.1.(c) The Commission shall be comprised of 16 members. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall appoint Cochairs of the Commission. Appointments to the Commission shall be made as follows:

- (1) The President Pro Tempore of the Senate shall appoint four members of the Senate and three members of the general public, one of whom shall be a representative of business or industry management, one of whom shall be a representative of labor, and one of whom shall be a member of the public-at-large.
- (2) The Speaker of the House of Representatives shall appoint four members of the House and three members of the general public, one of whom shall be a representative of business or industry management, one of whom shall be a representative of labor, and one of whom shall be a member of the public-at-large.
- (3) The Commissioner of Labor shall appoint two members from the general public.

Section 19.1.(d) By April 1, 2000, the Commission shall report to the Joint Legislative Commission on Governmental Operations and to the Senate and House Appropriations Subcommittees on Natural and Economic Resources its findings regarding the prevention of occupational musculoskeletal disorders, including recommendations regarding an ergonomics standard.

Section 19.1.(e) Nothing in this section shall prohibit the Commissioner from using funds appropriated to the Department of Labor for the 1999-2000 fiscal year or for the 2000-2001 fiscal year to comply with federal law, participate in legislative study commissions, or continue voluntary ergonomics programs.

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PART XXI.----JOINT SELECT COMMITTEE ON HIGHER EDUCATION FACILITIES NEEDS CREATION

Section 21.1.(a) The Joint Select Committee on Higher Education Facility Needs is created. The Committee shall consist of 20 members: 10 appointed by the President Pro Tempore of the Senate, and 10 appointed by the Speaker of the House of Representatives.

The President Pro Tempore of the Senate shall designate one appointee as cochair and the Speaker of the House of Representatives shall designate one appointee as cochair.

Section 21.1.(b) The Committee shall study the facility needs of The University of North Carolina and the North Carolina Community College System. In the course of study, the Committee shall consider:

- (1) The "University of North Carolina Capital Equity and Adequacy Study and 10-Year Capital Need", by Eva Klein and Associates;
- (2) The MGT of America report entitled "Funding Formula Study: Phase 3 and Phase 4 Reports-North Carolina Community College System";
- (3) Any other relevant reports or studies on higher education facility needs;
- (4) Alternative methods of funding identified facility needs;
- (5) Repair and maintenance needs of higher education facilities;
- (6) Construction systems to maximize efficiency in the construction of higher education facilities; and
- (7) State laws and policies governing the construction, repair, and renovation of higher education facilities.

Section 21.1.(c) The Committee may report its findings, and recommendations to the General Assembly upon the convening of the 2000 Regular Session or of the 2001 General Assembly. Upon filing its final report, the Committee shall terminate.

Section 21.1.(d) The Committee, while in the discharge of official duties, may exercise all the powers provided for under the provisions of G.S. 120-19, and G.S. 120-19.1 through G.S. 120-19.4. The Committee may meet at any time upon the joint call of the cochairs. The Committee may meet in the Legislative Building or the Legislative Office Building.

Section 21.1.(e) Members of the Committee shall receive subsistence and travel expenses at the rates set forth in G.S. 120-3.1.

Section 21.1.(f) The Committee may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02. The Legislative Services Commission, through the Legislative Administrative Officer, shall assign professional staff to assist in the work of the Committee. The House of Representatives' and the Senate's Supervisor of Clerks shall assign clerical staff to the commission or committee, upon the direction of the Legislative Services Commission. The expenses relating to clerical employees shall be borne by the Committee.

Section 21.1.(g) When a vacancy occurs in the membership of the Committee the vacancy shall be filled by the same appointing officer who made the initial appointment.

Section 21.1.(h) All State departments and agencies and local governments and their subdivisions shall furnish the Committee with any information in their possession or available to them.

PART XXIA.----HOME RULE

Section 21A.1. The Legislative Research Commission may study the issue of home rule powers for cities and counties. Home rule is the delegation of additional power to take additional actions without approval of the General Assembly by local act. The Commission shall study the home rule granted by the Constitution or statutes of other states to ensure granting needed flexibility within a framework of safeguards and oversight.

The Commission may report to the 2001 General Assembly on the study authorized by this section.

PART XXIB. CHILDREN WITH SPECIAL NEEDS STUDY; REPEAL OF COMMISSION (H.B. 1455 - Boyd-McIntyre; H.B. 1195 -Rogers)

Section 21B.1. Article 12 of Chapter 120 of the General Statutes (G.S. 120-58 through 120-65) is repealed.

Section 21B.2. There is established the Study Commission on Children With Special Needs. The Commission shall consist of 18 members, appointed as follows:

- (1) Seven persons appointed by the Speaker of the House of Representatives, four of whom shall be members of the House of Representatives, and three of whom shall be public members.
- (2) Seven persons appointed by the President Pro Tempore of the Senate, four of whom shall be members of the Senate, and three of whom shall be public members.
- (3) Four persons appointed by the Governor.

Each appointing authority shall assure insofar as possible that its appointees to the Commission reflect the composition of the North Carolina population with regard to ethnic, racial, age, and gender composition.

Section 21B.3. The Commission may:

- (1) Pursue an in-depth study of the services provided by other states for children with special needs.
- (2) Collect and evaluate for comprehensiveness existing legislation in North Carolina that is relevant to programs for children with special needs, and pertinent reports, studies and findings from other states and national bodies.
- (3) Collect and evaluate for comprehensiveness the reports and recommendations of the various agencies, councils, commissions, committees, and associations existing in North Carolina whose primary or partial duties are to make recommendations designed to affect services for children with special needs.
- (4) Evaluate the progress of the State in meeting the service requirements for children with special needs.

In addition, the Commission shall study issues related to meeting the educational needs of children with special needs, particularly the alternative funding methods and the effects of the current twelve and one-half percent (12.5%) cap on funding for the education of children with special needs.

Section 21B.4. The Commission may make an interim report to the 1999 General Assembly, Regular Session 2000, upon its convening, and shall make its final report to the 2001 General Assembly upon its convening, and to the Governor. Upon submitting its final report, the Commission shall expire.

Section 21B.5. Upon approval of the Legislative Services Commission, the Legislative Services Officer shall assign appropriate professional staff from the Legislative Services Office of the General Assembly to assist with the study. The House of Representatives' and the Senate's Supervisors of Clerks shall assign clerical staff to the Commission, upon the direction of the Legislative Services Commission. The Commission may meet in the Legislative Building or the Legislative Office Building upon the approval of the Legislative Services Commission.

Section 21B.6. The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each designate a cochair of the Commission. The Commission shall meet upon the call of the cochairs. A quorum of the Commission is 10 members. While in the discharge of its official duties, the Commission has the powers of a joint committee under G.S.

120-19 and G.S. 120-19.1. Members of the Commission shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate.

Section 21B.7. From funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds for the expenses of the Study Commission on Children With Special Needs.

PART XXII.-----BILL AND RESOLUTIONS REFERENCES

Section 22.1. The listing of the original bill or resolution in this act is for reference purposes only and shall not be deemed to have incorporated by reference any of the substantive provisions contained in the original bill or resolution.

PART XXIII.-----EFFECTIVE DATE AND APPLICABILITY

Section 23.1. Except as otherwise specifically provided, this act becomes effective July 1, 1999. If a study is authorized both in this act and the Current Operations Appropriations Act of 1999, the study shall be implemented in accordance with the Current Operations Appropriations Act of 1999 as ratified.

In the General Assembly read three times and ratified this the 21st day of July, 1999.

s/ Dennis A. Wicker
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 9:03 p.m. this 5th day of August, 1999

SESSION LAWS 1999 - 332

AN ACT TO MODIFY PERMISSIBLE FEES MAY BE CHARGED IN CONNECTION WITH HOME LOANS SECURED BY FIRST MORTGAGE OR FIRST DEED OF TRUST, TO IMPOSE RESTRICTIONS AND LIMITATIONS ON HIGH-COST HOME LOANS, TO REVISE THE PERMISSIBLE FEES AND CHARGES ON CERTAIN LOANS, TO PROHIBIT UNFAIR OR DECEPTIVE PRACTICES BY MORTGAGE BROKERS AND LENDERS, AND TO PROVIDE FOR PUBLIC EDUCATION AND COUNSELING ABOUT PREDATORY LENDERS.

The General Assembly of North Carolina enacts:...

...

Section 7. The Legislative Research Commission shall study the implementation and enforcement of this act including:

- (1) Whether the provisions of this act have a measurable effect on the availability of credit in the State;
- (2) Whether the act is successfully reducing the predatory lending practices proscribed by the act; and
- (3) Whether there are specific circumstances in which consumers would benefit from permitting a lender to finance credit insurance premiums, which practice is prohibited by G.S. 24-10.2(b).

The Commission shall report their findings and recommendations on the issue of financing credit insurance premiums to the 2000 Regular Session of the 1999 General Assembly. The Commission may report their findings and recommendations to the 2001 General Assembly and shall make a final report to the 2002 Regular Session of the 2001 General Assembly.

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SESSION LAWS 1999 - 425

AN ACT TO AMEND CERTAIN STATUTES REGARDING THE NORTH CAROLINA BOARD OF MORTUARY SCIENCE AND MUTUAL BURIAL ASSOCIATIONS, AND MINIMUM BURIAL DEPTHS.

The General Assembly of North Carolina enacts:

...

Section 5. The Legislative Research Commission is authorized to study issues relating to the insolvency of mutual burial associations in North Carolina. The Commission shall make a final report of its findings and recommendations, including any legislative proposals, to the 2001 General Assembly. The Commission may make an interim report to the 1999 General Assembly, 2000 Regular Session.

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SESSION LAWS 1999 - 237

AN ACT TO APPROPRIATE FUNDS FOR CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina enacts:

...

Requested by: Representatives Crawford, Cole, Easterling, Hardaway, Redwine, Senators Gulley, Plyler, Perdue, Odom

BLUE RIBBON TRANSPORTATION FINANCE STUDY COMMISSION Section 27.2.(a)
Commission Established. -- There is established a Blue Ribbon Transportation Finance Study Commission.

Section 27.2.(b) Membership. -- The Commission shall be composed of 15 members as follows:

- (1) Four members of the House of Representatives appointed by the Speaker of the House of Representatives.
- (2) Four members of the Senate appointed by the President Pro Tempore of the Senate.
- (3) Three members of the public appointed by the Governor, none of whom shall be State officials, and two of whom shall have expertise in transportation matters.
- (4) Two members of the public appointed by the Speaker of the House of Representatives, one of whom shall be a municipal-elected official, and one of whom shall have experience in business and transportation matters.
- (5) Two members of the public appointed by the President Pro Tempore of the Senate, one of whom shall be an elected county official, and one of whom shall have experience in business and transportation matters.

Any persons appointed pursuant to Section 27.15 of S.L. 1998-212 shall continue as members of this Study Commission.

Section 27.2.(c) Secretary of Transportation. -- The Commission shall invite the Secretary of Transportation to attend each meeting of the Commission and encourage his participation in the Commission's deliberations.

Section 27.2.(d) Duties of Commission. -- The Commission shall study the following matters related to transportation finance:

- (1) The Highway Trust Fund Act of 1989. -- The Commission shall review the current law and recommend any revisions that may be necessary, based on the 10-year history of the fund and the current transportation needs of the State.
- (2) Current revenue sources. -- The Commission shall review all current revenue sources that support State transportation programs and recommend changes, additions, or deletions based on projected needs for the next 25 years.
- (3) Transportation system maintenance. -- The Commission shall review current financing of transportation system maintenance and recommend changes to accommodate maintenance of new construction and increased traffic volume.
- (4) Public transportation. -- The Commission shall evaluate funding public transportation with dedicated sources of funds. The Commission's recommendation shall include specific sources and amounts of any dedicated funds, if recommended.
- (5) Highway Fund transfers. -- Transfers from the Highway Fund to other State agencies, including whether or not those funds would more appropriately come from the General Fund.

(6) Transportation spending. -- Proposals for (i) separate funding allocations for roads that impact large-scale economic development projects, including projects that would create new industries, (ii) separate funding allocations for major highways that impact no fewer than two funding regions, and (iii) methods to accommodate these spending proposals in the equity formula.

(7) Other transportation financing issues. -- The Commission may study any other transportation finance-related issue approved by the cochairs or recommended by the Secretary of Transportation and approved by the cochairs.

Section 27.2.(e) Vacancies. -- Any vacancy on the Commission shall be filled by the appointing authority.

Section 27.2.(f) Cochairs. -- Cochairs of the Commission shall be designated by the Speaker of the House of Representatives and the President Pro Tempore of the Senate from among their respective appointees. The Commission shall meet upon the call of the chairs. A quorum of the Commission shall be eight members.

Section 27.2.(g) Expenses of Members. -- Members of the Commission shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate.

Section 27.2.(h) Staff. -- Adequate staff shall be provided to the Commission by the Legislative Services Office.

Section 27.2.(i) Consultants. -- The Commission may hire consultants to assist with the study. Before expending any funds for a consultant, the Commission shall report to the Joint Legislative Commission on Governmental Operations on the consultant selected, the work products to be provided by the consultant, and the cost of the contract, including an itemization of the cost components.

Section 27.2.(j) Meetings During Legislative Session. -- The Commission may meet during a regular or extra session of the General Assembly, subject to approval of the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

Section 27.2.(k) Meeting Location. -- The Commission shall meet at various locations around the State in order to promote greater public participation in its deliberations. The Legislative Services Commission shall grant adequate meeting space to the Commission in the State Legislative Building or the Legislative Office Building.

Section 27.2.(l) Report. -- The Commission shall submit an interim report to the Joint Legislative Transportation Oversight Committee on or before June 1, 2000. The Commission shall submit a final report to the Joint Legislative Transportation Oversight Committee by March 1, 2001. Upon the filing of its final report, the Commission shall terminate.

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SESSION LAWS 1998 - 212

AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 1997 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE.

The General Assembly of North Carolina enacts:

...

Requested by: Representatives McMahan, Bowie, Dockham

BLUE RIBBON TRANSPORTATION FINANCE STUDY COMMISSION

Section 27.15. (a) Commission Established. -- There is established a Blue Ribbon Transportation Finance Study Commission.

(b) Membership. -- The Commission shall be composed of 15 members as follows:

(1) Three members of the House of Representatives appointed by the Speaker of the House of Representatives.

(2) Three members of the Senate appointed by the President Pro Tempore of the Senate.

(3) Three members of the public appointed by the Governor, none of whom shall be State officials, and two of whom shall have expertise in transportation matters.

(4) Three members of the public appointed by the Speaker of the House of Representatives, one of whom shall be a municipal-elected official, and one of whom shall have expertise in transportation matters.

(5) Three members of the public appointed by the President Pro Tempore of the Senate, one of whom shall be an elected county official, and one of whom shall have expertise in transportation matters.

(b1) Secretary of Transportation. -- The Commission shall invite the Secretary of Transportation to attend each meeting of the Commission and encourage his participation in the Commission's deliberations.

(c) Duties of Commission. -- The Commission shall study the following matters related to Transportation Finance:

(1) The Highway Trust Fund Act of 1989. -- The Commission shall review the current law and recommend any revisions that may be necessary, based on the nine-year history of the fund and the current transportation needs of the State.

(2) Current revenue sources. -- The Commission shall review all current revenue sources that support State transportation programs, and recommend changes, additions, or deletions based on projected needs for the next 25 years.

(3) Transportation system maintenance. – The Commission shall review current financing of transportation system maintenance and recommend changes to accommodate maintenance of new construction and increased traffic volume.

(4) Public transportation. -- The Commission shall evaluate funding public transportation with dedicated sources of funds. The Commission's recommendation shall include specific sources and amounts of any dedicated funds, if recommended.

(5) Transfers from the Highway Fund to other State agencies, including whether or not those funds would more appropriately come from the General Fund.

(6) Other transportation financing issues. – The Commission may study any other transportation finance-related issue approved by the cochairs or recommended by the Secretary of Transportation and approved by the cochairs.

(d) Vacancies. -- Any vacancy on the Commission shall be filled by the appointing authority.

(e) Cochairs. -- Cochairs of the Commission shall be designated by the Speaker of the House of Representatives and the President Pro Tempore of the Senate from among their respective appointees. The Commission shall meet upon the call of the chairs. A quorum of the Commission shall be eight members.

(f) Expenses of Members. -- Members of the Commission shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate.

(g) Staff. -- Adequate staff shall be provided to the Commission by the Legislative Services Office.

(h) Consultants. -- The Commission may hire consultants to assist with the study. Before expending any funds for a consultant, the Commission shall report to the Joint Legislative Commission on Governmental Operations on the consultant selected, the work products to be provided by the consultant, and the cost of the contract, including an itemization of the cost components.

(h1) Meetings During Legislative Session. – The Commission may meet during a regular or special session of the General Assembly, subject to approval of the Speaker of the House of Representatives and President Pro Tempore of the Senate.

(i) Meeting Location. -- The Commission shall meet at various locations around the State in order to promote greater public participation in its deliberations. The Legislative Services Commission shall grant adequate meeting space to the Commission in the State Legislative Building or the Legislative Office Building.

(j) Report. -- The Commission shall submit an interim report to the Joint Legislative Transportation Oversight Committee on or before June 1, 1999. The Commission shall submit a final report to the Joint Legislative Transportation Oversight Committee by March 1, 2000. Upon the filing of its final report, the Commission shall terminate.

(k) Appropriation. -- From appropriations to the General Assembly, the Legislative Services Commission may allocate up to two hundred thousand dollars (\$200,000) for the expenses of the Commission.

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SESSION LAWS 2000 - 138

AN ACT TO AUTHORIZE STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, TO MAKE PERMANENT THE FUTURE OF THE NORTH CAROLINA RAILROAD STUDY COMMISSION, TO CREATE THE 1898 WILMINGTON RACE RIOT COMMISSION, AND TO DIRECT STATE AGENCIES AND LEGISLATIVE OVERSIGHT COMMITTEES AND COMMISSIONS TO STUDY SPECIFIED ISSUES.

The General Assembly of North Carolina enacts:

PART I.-----TITLE

Section 1. This act shall be known as "The Studies Act of 2000".

PART II.-----LEGISLATIVE RESEARCH COMMISSION

Section 2.1. The Legislative Research Commission may study the topics listed below. When applicable, the bill or resolution that originally proposed the issue or study and the name of the sponsor is listed. The following groupings are for reference only:

- (1) Governmental and Personnel Issues:
 - a. Salaries and benefits of Department of Correction employees (H.B. 1782 - Gibson).
 - b. Receipt and use of federal funds under Title VI of the 1964 Civil Rights Act (S.J.R. 1274 Jordan).
- (2) Insurance, Managed Care, and other Health Care Issues:
 - a. Insurance availability in beach and coastal areas (H.B. 1835 - Redwine).
 - b. Employer-sponsored, self-insured group health benefit plans (S.B. 1429 - Dalton, Miller).
 - c. Parity in health insurance coverage for mental illness and chemical dependency benefits (H.B. 1567 - Alexander; S.B. 1254 - Martin of Guilford).
- (3) Education Issues:

Placement of and providing a special education to children in group homes (H.B. 1833 - Hurley, Morris; S.B. 1540 - Rand).
- (4) Health and Public Safety Issues:
 - a. Pregnancy and drug abuse (H.B. 1846 - Sherrill).
 - b. Social Anxiety Disorder (H.B. 1652 - Edwards, Wainwright).
- (5) Economic Development Issues:
 - a. State's travel and tourism industry and the economic benefits of that industry (Warwick).
- (6) Environmental/Agricultural Issues:
 - a. Small family farm preservation (H.B. 1623 - Mitchell; S.B. 1342 - Albertson).
 - b. Water Supply Issues Study. -- The Legislative Research Commission may study water supply issues, including the source and supply of groundwater and surface waters in North Carolina including interbasin transfer of water, pollution of groundwater and surface waters in North Carolina, progress toward controlling pollution of groundwater and surface waters, technology available for use in related areas, statewide public and private use of water, and water capacity use area issues. (Warwick, Rand, Odom, Albertson).
 - c. Wildlife Resources Commission Rules concerning snakes (H.B. 1841 - Allred).
- (7) Civil Law Issues:

- a. Seized property (H.B. 1750 - Buchanan).
 - b. Termination of parental rights of rapists (H.B. 1678 - Ellis).
- (8) Court System:
 Authority of Magistrates and Clerks of Court (H.B. 1224 - Baddour; S.B. 1023 – Clodfelter).

Section 2.2. Reporting Date. -- For each of the topics the Legislative Research Commission decides to study under this Part or pursuant to G.S. 120-30.17(1), the Commission may report its findings, together with any recommended legislation, to the 2001 General Assembly.

PART III. -----ELECTION LAWS STUDY COMMISSION

Section 3.1. The Election Laws Study Commission may study second primary elections, the cost to taxpayers to conduct second primaries, voter turnout, impact on elections, and other related matters and report its findings, together with any recommended legislation, to the 2001 General Assembly upon its convening.

PART IV.-----REVENUE LAWS STUDY COMMITTEE

Section 4.1. The Revenue Laws Study Committee may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2001 General Assembly upon its convening. The Revenue Laws Study Committee may study:

- (1) The simplification of all State revenue and tax forms.
- (2) Tax credits, including adjustments to and credits for ad valorem taxes, to encourage production of affordable housing.
- (3) The establishment of an investment advisory committee to serve as a liaison between the General Assembly and the Department of State Treasurer and to assist the Treasurer in setting investment policies for the State.
- (4) The homestead exemption (H.B. 1700 - Warner, Hurley; S.B. 1484 - Hoyle).
- (5) Simplification of taxes on telecommunications (S.B. 1320 - Hoyle, Kerr).
- (6) Interstate tax cooperation to eliminate multiple filings by individuals (S.J.R. 958 - Webster).

Section 4.2. Impacts of State Acquisition of Land for Conservation Purposes on Local Government Ad Valorem Tax Revenues. -- The Revenue Laws Study Committee may study the positive and negative impacts of the acquisition by the State of land for conservation purposes on local government ad valorem tax revenues. In conducting this study, the Committee may consider efforts by other states and the federal government to mitigate the negative impacts of acquisition by government of land for conservation purposes on local government ad valorem tax revenues.

Section 4.3. Interstate Tax Agreements. -- The Revenue Laws Study Committee may study interstate tax agreements regarding income taxes of individuals who work across North Carolina's borders from their states of residence. These agreements generally provide that an individual residing in one state (residence state) and employed in another state (work state) is taxed as if the earnings in the work state were sourced in the residence state; they also provide for the work state employer to withhold residence state income taxes. In conducting this study, the Committee should:

- (1) Examine agreements, including mutual compliance enforcement provisions, existing between other states adjoining one another.
- (2) Consult with appropriate officials of Virginia, South Carolina, Tennessee, and Georgia.
- (3) Determine whether the goals of reducing taxpayer burden, simplifying tax administration, and increasing taxpayer compliance could be achieved by the adoption of appropriate tax agreements.
- (4) Draft proposed agreements and any necessary enabling legislation to recommend to the

General Assembly.

PART V.-----JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE

Section 5.1. The Joint Legislative Education Oversight Committee may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2001 General Assembly upon its convening.

Section 5.2. Public School Bidding Laws. -- The Joint Legislative Education Oversight Committee may study exclusive contract practices among public schools.

Section 5.3. Textbook Distribution Methods. -- The Joint Legislative Education Oversight Committee may study methods of distribution of textbooks. In conducting this study, the Committee may survey the system of textbook distribution used in other states. The Committee may make recommendations on whether the State should continue to distribute textbooks using only those depository or warehouse facilities operated by the State Board of Education or make other modifications to the current textbook distribution system. The Committee may use the results of the survey and other relevant information when developing its recommendations.

Section 5.4. School Counselors and Social Workers. -- The Joint Legislative Education Oversight Committee may study the issues related to school counselors and social workers in the public schools. In the course of the study, the Committee may consider:

- (1) Whether the counselor-student ratio should be reduced from 1:450 to 1:250 and the cost of implementing this reduction;
- (2) Whether counselors should be paid on the school psychologist salary schedule and the cost of implementing this salary increase; and
- (3) Other issues related to counselors and social workers in the public schools (H.B. 1826 – Insko).

Section 5.5. Foreign Language Instruction. -- The Joint Legislative Education Oversight Committee may study the need for instruction in foreign languages at the elementary school level (H.B. 1799 - Insko).

Section 5.6. Instruction Days. -- The Joint Legislative Education Oversight Committee may study the feasibility of increasing the minimum number of instructional days to 200, increasing the minimum number of instructional hours to 1,120, and increasing the contractual period for teachers to 12 months. The study shall include an examination of the costs and benefits of the proposed increases as well as a recommended timetable for implementation (H.B. 1727 - Arnold).

PART VI.-----JOINT LEGISLATIVE HEALTH CARE OVERSIGHT COMMITTEE

Section 6.1. The Joint Legislative Health Care Oversight Committee may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2001 General Assembly upon its convening.

Section 6.2. Elder Care Protection. -- The Joint Legislative Health Care Oversight Committee may study mandatory disqualifiers for employment in rest homes, adult care homes, home health care, and other industries which provide care and services to the elderly.

Section 6.3. State Pain Policy Study and Medical Practice. -- The Joint Legislative Health Care Oversight Committee may study the issue of State Pain Policy and Medical Practice. The study may assess the need for improved patient access to pain treatment and the need to revise current laws, regulations, or guidelines to eliminate undue restrictions on pain management while continuing to protect public health. In conducting the study, the Committee may involve members of the medical, law enforcement, and legal communities.

Section 6.4. Criminal Background Checks in Adult Care Industry. -- The Joint Legislative Health Care Oversight Committee may study further the criminal background checks required for the adult care industry and the issue of establishing a list of mandatory disqualifying convictions for employment with rest homes, adult care facilities, and home health care agencies in North Carolina.

PART VII.-----JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE

Section 7.1. The Joint Legislative Transportation Oversight Committee may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2001 General Assembly upon its convening:

- (1) Abandoned vehicles on State roads (Mitchell).
- (2) Policy associated with retirement benefits for part-time DOT employees (H.B. 1726 – Rogers).

PART VIII.-----FUTURE OF THE NORTH CAROLINA RAILROAD STUDY COMMISSION (S.B. 1183 - Dalton)

Section 8.1. Section 27.25.(b) of S.L. 1999-237 reads as rewritten:

"Section 27.25.(b) Membership.-- The Commission shall be composed of 16 members as follows:

- (1) Eight members of the House of Representatives appointed by the Speaker of the House.
- (2) Eight Members of the Senate appointed by the President Pro Tempore of the Senate.

Terms on the Commission are for two years and begin on January 15 of each odd-numbered year, except for the terms of the initial members, which begin on appointment. Members may complete a term of service on the Commission even if they do not seek reelection or are not reelected to the General Assembly, but resignation or removal from service in the General Assembly constitutes resignation or removal from service on the Commission."

Section 8.2.(a) If Senate Bill 1183, 2000 General Assembly, becomes law, Section 12 of that bill is repealed.

Section 8.2.(b) Section 27.25.(c) of S.L. 1999-237 reads as rewritten:

"Section 27.25.(c) Duties of the Commission. -- The Commission shall study the following matters:

(1) ~~The appropriate purpose, powers, and governance of the North Carolina Railroad Company.~~
The importance of railroads and railroad infrastructure improvements to economic development in North Carolina, including improvements to short line railroads.

(2) Issues important to the future of passenger and freight rail service in North Carolina.

(3) Methods to expedite property disputes between railroads and private landowners.

(4) All aspects of the operation, structure, management, and long-range plans of the North Carolina Railroad.

The Commission's study of these and any other matters is not intended and shall not delay the North Carolina Railroad Company's contract negotiations with freight and passenger rail service operators including Research Triangle Regional Public Transportation Authority and Norfolk Southern Railway Company."

Section 8.3.(a) If Senate Bill 1183, 2000 General Assembly, becomes law, Section 13 of that bill is repealed.

Section 8.3.(b) Section 27.25(k) of S.L. 1999-237 reads as rewritten:

"Section 27.25.(k) ~~Report.~~ Reports. --~~The commission~~ Commission shall submit ~~a final~~ an annual report to the General Assembly on or before ~~May 1, 2000.~~ the convening of the regular session of the General Assembly each year. ~~Upon filing of the report, the Commission shall terminate."~~

PART IX.-----NER INTERIM STUDY OF DENR ORGANIZATION

Section 9.1. The Appropriations Subcommittees on Natural and Economic Resources in both the Senate and the House of Representatives may study the current organization of the Department of Environment and Natural Resources to determine its effectiveness and efficiency and shall report any recommendations, including any legislative proposals, to the 2001 General Assembly no later than May 1, 2001. The Appropriations Subcommittees on Natural and Economic Resources in both the House of Representatives and the Senate may obtain assistance from any resources outside the General Assembly that the Subcommittees determine are needed to adequately perform their study.

PART X.-----STATE BOARD OF EDUCATION

Section 10.1. The State Board of Education may study the topics listed in this Part.

Section 10.2. School Calendar. -- The State Board of Education may study issues related to the public school calendar.

The State Board shall report the results of this study to the Joint Legislative Education Oversight Committee prior to February 1, 2001. (H.B. 1847 - Warner; S.B. 1513 - Lucas).

Section 10.3. Integrated Curriculum. -- The State Board of Education may identify and evaluate strategies that can be developed and implemented to assist classroom teachers in providing students with interdisciplinary lessons that integrate science and social studies as well as reading, writing, and mathematics. These strategies shall include:

- (1) Lessons and units based upon the Standard Course of Study;
- (2) Staff development for teachers that addresses how to create lessons and units that integrate the curriculum across content areas;
- (3) Staff development for principals to assist them in creating daily school schedules that provide planning time to enable teachers to work together to develop interdisciplinary lessons and units;
- (4) A plan to communicate and distribute to teachers and principals interdisciplinary lessons and units and staff development opportunities;
- (5) The identification of funds, such as staff development funds, that local boards of education and school improvement teams may use to provide training to assist teachers in their development and use of interdisciplinary lessons and units; and
- (6) Model daily school schedules that principals may use to provide planning time for teachers to develop and implement interdisciplinary lessons and units.

As part of its study, the State Board may collaborate with the constituent institutions of The University of North Carolina, the UNC Center for School Leadership Development, and the Association of Independent Colleges and Universities to identify and collect existing materials, to identify materials that can be developed and implemented, and to identify staff development opportunities that may be made available to teachers and principals.

The State Board of Education may report to the Joint Legislative Education Oversight Committee on the development of these strategies by December 1, 2000.

PART XI.-----ENVIRONMENTAL REVIEW COMMISSION TO REVIEW THE REPORT AND RECOMMENDATIONS OF THE ESTUARINE SHORELINE PROTECTION STAKEHOLDERS TEAM

Section 11.1. The Environmental Review Commission may review the findings and recommendations of the August 1999 report of the Estuarine Shoreline Protection Stakeholders Team of the Coastal Resources Commission. The Environmental Review Commission may determine which of the recommendations of the Stakeholders Team can be implemented administratively, which recommendations would require rule making by the Coastal Resources Commission or other agency,

and which recommendations would require legislation. The Environmental Review Commission may evaluate existing local government land-use planning in the coastal and inland counties that are included in the river basins that drain to coastal North Carolina. The Environmental Review Commission may specifically evaluate whether the local land-use planning process required for coastal counties under the Coastal Area Management Act of 1974 should be extended to include inland counties that are included in the river basins that drain to coastal North Carolina. Upon request of the Environmental Review Commission, the Department of Environment and Natural Resources, the Coastal Resources Commission, and the Stakeholders Team shall provide assistance to the Environmental Review Commission in its conduct of this study. The Environmental Review Commission may refer consideration of any issue raised by this study to the Commission to Address Smart Growth, Growth Management, and Development Issues. The Environmental Review Commission shall report its findings and recommendations, including legislative proposals, if any, to the 2001 General Assembly.

PART XII.-----LEGISLATIVE ETHICS COMMITTEE (H.B. 1774 - Allen, Miller)

Section 12.1. The Legislative Ethics Committee may study the need for and advisability of establishing conflicts of interest guidelines for public members of advisory committees and commissions in the executive and legislative branches of State government. The Legislative Ethics Committee may consult with the North Carolina Board of Ethics in conducting this study. The Legislative Ethics Committee shall report its findings and recommendations, including proposed legislation, to the 2001 General Assembly upon its convening. Any recommended legislation should include recommended guidelines or a procedure for the establishment of conflicts of interest guidelines.

PART XIII.-----DEPARTMENT OF HEALTH AND HUMAN SERVICES AND ADMINISTRATIVE OFFICE OF THE COURTS STUDY OF THE CHILD SUPPORT SYSTEM (H.B. 1528 - Nye; S.B. 1277 - Martin of Guilford)

Section 13.1. The Department of Health and Human Services and the Administrative Office of the Courts, in conjunction with local departments of social services, clerks of court, IV-D attorneys, district court judges, representatives of county government, representatives of business and industry, and representatives of child support clients, shall study ways to more effectively coordinate the efforts of the two agencies in regard to collection and enforcement of child support. This study shall include studying the feasibility of the two agencies granting each other access to one another's computer systems or the feasibility of making the computer systems compatible with one another. The study shall also include the development of protocols to facilitate directing individuals to the proper agency for assistance or information.

Section 13.2. The Department of Health and Human Services and the Administrative Office of the Courts, in conjunction with local departments of social services, clerks of court, IV-D attorneys, district court judges, representatives of county government, representatives of business and industry, and representatives of child support clients, shall study the problems with and barriers to the establishment of a unified system of child support collection and enforcement. This study shall also include estimates of the costs, including any savings, associated with the establishment of a unified system and any advantages or disadvantages associated with the establishment of a unified system over a five-year period. The two agencies shall make recommendations regarding solutions to any problems or barriers to the establishment of a unified system.

Section 13.3. The Department of Health and Human Services and the Administrative Office of the Courts shall make interim reports on their efforts under this Part, and any findings and recommendations resulting from the studies under this Part, to the Joint Legislative Public Assistance

Commission by December 1, 2000, and shall make final reports to the Joint Legislative Public Assistance Commission by March 1, 2001.

PART XIV.-----DEPARTMENT OF HEALTH AND HUMAN SERVICES, DEPARTMENT OF PUBLIC INSTRUCTION, AND DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES -- HUNGER PROGRAM STUDIES (H.B. 1526 - Nye)

Section 14.1. The Department of Health and Human Services and the Department of Public Instruction, in conjunction with the Department of Agriculture and Consumer Services, the statewide system of food banks, the North Carolina Hunger Network, the North Carolina Nutrition Network, and other State and local agencies, shall study the School Lunch Program, the School Breakfast Program, and the Summer Food Service Program.

This study shall specifically include a study of the reasons for underutilization of the programs. The Department of Public Instruction and the Department of Health and Human Services shall take any actions authorized under current law to increase participation in these programs before the beginning of the 2000-2001 school year.

Section 14.2. The Department of Health and Human Services, in conjunction with the Department of Agriculture and Consumer Services, the statewide system of food banks, the North Carolina Hunger Network, the North Carolina Nutrition Network, and other State and local agencies, shall conduct a comprehensive study of the Food Stamp Program, specifically focusing on reasons for the underutilization of the program. This study shall include inquiry into the following areas:

- (1) The feasibility of additional outreach efforts to inform the public of the requirements and availability of food stamps.
- (2) The feasibility of extended business hours for local departments of social services to facilitate the process of obtaining food stamps.
- (3) The feasibility of ending automatic termination of food stamps when the individual or family no longer receives Work First cash assistance; thereby providing a transition period while the family moves toward economic independence.

The Department shall identify any actions which may be taken under current law to increase participation in the Food Stamp Program and implement those actions as soon as practicable.

Section 14.3. The Department of Health and Human Services shall make an interim report on its efforts under this part, and any findings and recommendations, to the Joint Legislative Public Assistance Commission by December 1, 2000, and shall make a final report to the Joint Legislative Public Assistance Commission by March 1, 2001.

PART XV.-----DEPARTMENT OF HEALTH AND HUMAN SERVICES DEVELOPMENTAL DISABILITIES STUDY

Section 15.1. Section 11.23(b) of S.L. 2000-67 reads as rewritten:

"Section 11.23.(b) ~~The Department shall~~ Department, in consultation with the Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services, shall study whether a new division of developmental disabilities should be established in the Department. Not later than January 1, 2001, the Department shall report its findings and recommendations to the Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services, the House of Representatives Appropriations Subcommittee on Health and Human ~~Services~~ Services, and the Senate Appropriations Committee on Human Resources."

PART XVI.-----DEPARTMENT OF HEALTH AND HUMAN SERVICES ADOLESCENT PREGNANCY PREVENTION STUDY

Section 16.(a) Section 11.40 of S.L. 2000-67 is repealed.

Section 16.(b) The first paragraph of subsection (v) of Section 5 of S.L. 2000-67 reads as rewritten:

"Section 5.(v) The funds appropriated to the Department of Health and Human Services, Division of Public Health, in this ~~act~~ section in the TANF Block Grant for the 2000-2001 fiscal year for teen pregnancy prevention shall be used in accordance with the provisions of this subsection."

Section 16.(c) The Department of Health and Human Services, in collaboration with the Adolescent Pregnancy Prevention Coalition of North Carolina, local pregnancy prevention program administrators, and other organizations, shall develop a comprehensive plan for consolidating adolescent pregnancy prevention programs and adolescent parenting programs in a manner that facilitates all of the following:

- (1) Efficient operations and the elimination of duplication among programs. To the extent that duplication in administration and program operations is demonstrably necessary for effective program operations, the Department shall indicate:
 - a. Why duplication is necessary;
 - b. Negative consequences relative to program goals as a result of eliminating duplication; and
 - c. Means by which program and fiscal integrity and accountability will be achieved and monitored.
- (2) Consistent progress in reducing adolescent pregnancy in North Carolina among demographic subgroups.
- (3) Valid and reliable processes for monitoring and evaluating State and local fiscal and program performance.
- (4) Program organization, administration, and governance that is clear and understandable.
- (5) Targeting counties and municipalities with the highest adolescent pregnancy rates, increasing rates of adolescent pregnancy, high rates of adolescent pregnancy within demographic subgroups, or with the greatest need of parenting programs.
- (6) An equitable and need-based process for funding individual projects and other program initiatives.
- (7) Best practice models, while recognizing the desirability and utility of innovative and promising projects that are not classified as best practice models.

Not later than March 1, 2001, the Department shall report its plan for consolidation, including its findings and recommendations, to the House of Representatives Appropriations Subcommittee on Health and Human Services, the Senate Appropriations Committee on Human Resources, and the Fiscal Research Division.

PART XVII.-----1898 WILMINGTON RACE RIOT COMMISSION

Section 17.1.(a) There is hereby established the 1898 Wilmington Race Riot Commission. The Commission shall be located within the Department of Cultural Resources.

Section 17.1.(b) The purpose of the Commission shall be to develop a historical record of the 1898 Wilmington Race Riot. In developing such a record, the Commission shall gather information, including oral testimony from descendants of those affected by the riot or others, examine documents and writings, and otherwise take such actions as may be necessary or proper in accurately identifying information having historical significance to the 1898 Wilmington Race Riot, including the economic impact of the riot on African-Americans in this State.

Section 17.1.(c) The Commission shall consist of 13 members, each of whom shall serve a two-year term. Commission members shall be appointed on or before September 1, 2000, as follows:

- (1) The President Pro Tempore of the Senate shall appoint three members.
- (2) The Speaker of the House of Representatives shall appoint three members.
- (3) The Governor shall appoint three public members, one of whom shall be a historian.
- (4) The Mayor and City Council of the City of Wilmington shall appoint two members.
- (5) The New Hanover County Commissioners shall appoint two members.

The Commission shall terminate on December 31, 2002.

Section 17.1.(d) A vacancy shall be filled in the same manner as the original appointment, except that all unexpired terms in seats appointed by the General Assembly shall be filled in accordance with G.S. 120-122. Appointees to fill vacancies shall serve the remainder of the unexpired term and until their successors have been duly appointed and qualified.

Section 17.1.(e) The Commission may remove any of its members for neglect of duty, incompetence, or unprofessional conduct. A member subject to disciplinary proceedings shall be disqualified from participating in the official business of the Commission until the charges have been resolved.

Section 17.1.(f) Members of the Commission shall not receive per diem or reimbursement for travel or subsistence.

Section 17.1.(g) The Commission's officers shall consist of two cochaIRS, a vice-chair, and other officers deemed necessary by the Commission to carry out the purposes of this Article. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall appoint the cochaIRS of the Commission. All other officers shall be elected by the Commission. All officers shall serve for two-year terms and shall serve until their successors are elected and qualified.

Section 17.1.(h) The Commission shall meet at least quarterly to conduct business as authorized in subsection (b) of this section. A majority of Commission members shall constitute a quorum.

Section 17.1.(i) The Department of Cultural Resources shall provide necessary clerical and administrative support services to the Commission.

Section 17.1.(j) The Commission may submit to the General Assembly an interim report of its findings and recommendations. The Commission shall submit to the General Assembly a final report of its findings and recommendations no later than December 31, 2002. The final report may include suggestions for a permanent marker or memorial of the riot and whether to designate the event as a historic site.

Section 17.2. The Department of Cultural Resources shall support the activities of the 1898 Wilmington Race Riot Commission.

PART XVIII.-----BILL AND RESOLUTION REFERENCES

Section 18. Unless otherwise specified, the listed bill or resolution refers to the measure introduced in the 1999 or 2000 Regular Session of the 1999 General Assembly. The Commission may consider the original bill or resolution in determining the nature, scope, and aspects of the study. The listing of the original bill or resolution in this act is for reference purposes only and shall not be deemed to incorporate by reference any of the substantive provisions contained in the original bill or resolution.

PART XIX.-----EFFECTIVE DATE AND APPLICABILITY

Section 19. Except as otherwise specifically provided, this act becomes effective July 1, 2000.

In the General Assembly read three times and ratified this the 13th day of July, 2000.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 2:20 p.m. this 21st day of July, 2000

SESSION LAWS 2000 - 67

AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 1999 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE.

The General Assembly of North Carolina enacts:...

...

REGULATION OF PROPRIETARY SCHOOLS/STUDY Section 9.13. The Legislative Research Commission shall study current State programs governing the licensure and regulation of proprietary schools under Article 8 of Chapter 115D of the General Statutes. In the course of the study, the Commission shall consider:

- (1) The appropriate State agency to license and regulate proprietary schools,
- (2) The level of personnel required to to license and regulate the schools,
- (3) The level of funding required to license and regulate the schools,
- (4) The proportion of required funding that should be supported by license fees,
- (5) An appropriate fee schedule for proprietary schools; and
- (6) A plan for effective enforcement of the provisions of the current law regarding the licensing and regulation of proprietary schools.

The Commission shall report the results of this study to the 2001 General Assembly.

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SESSION LAWS 2000 - 151

AN ACT TO BAN THE INTRODUCTION OF NEW VIDEO GAMING MACHINES INTO THIS STATE, TO LIMIT THE NUMBER OF VIDEO GAMING MACHINES PER LOCATION, TO PROVIDE FOR REGISTRATION OF MACHINES, INCREASING CRIMINAL PENALTIES FOR VIOLATION, PROVIDING FOR SUSPENSION OR REVOCATION OF LICENSES FOR VIOLATION, AND PROVIDING FOR SEIZURE OF UNLAWFUL VIDEO GAMING MACHINES.

The General Assembly of North Carolina enacts:...

...

Section 6. The Legislative Research Commission shall study the implementation of this act and recommend any changes it deems necessary in order to strengthen this act. Notwithstanding G.S. 120-30.11, the Commission may make its report under this section to the 2001 General Assembly no later than April 1, 2001.

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SESSION LAWS 2000 - 183

AN ACT TO AUTHORIZE AND CLARIFY THE PROCEDURES FOR FILING A MOTION TO TERMINATE PARENTAL RIGHTS IN A PENDING JUVENILE ABUSE, NEGLECT, OR DEPENDENCY PROCEEDING, AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY WHETHER INFORMATION SHOULD BE EXPUNGED FROM CERTAIN RECORDS WHEN AN ABUSE, NEGLECT, OR DEPENDENCY REPORT IS NOT SUBSTANTIATED OR PROVEN.

The General Assembly of North Carolina enacts:

...

Section 14. The Legislative Research Commission shall study issues related to expungement of information from the central registry of abuse, neglect, and dependency cases or from judicial records of juvenile cases that alleged abuse, neglect, or dependency. In particular, this study should consider whether expungement (i) from the central registry should be available when a local department of social services does not substantiate a report of abuse, neglect, or dependency or (ii) from the juvenile court record in a case where alleged abuse, neglect, or dependency is not proven by clear and convincing evidence. The Commission shall make recommendations to the 2001 Session of the General Assembly.

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